

REMARKS

As a preliminary matter, Applicant notes that an acknowledgment of the receipt and consideration of the Information Disclosure Statement (IDS) filed on March 19, 2003 has not been received. As an indication of consideration of the references cited in the IDS, Applicant respectfully requests an initialed copy of the Form PTO-1449 that accompanied the IDS.

As an additional preliminary matter, Applicant respectfully requests entry and consideration of this after-final amendment because no new issues are believed to be raised by the claim amendments because such amendments merely combine the subject matter of previous claims. More specifically, the subject matter of the amended claims was arrived at as follows:

- (1) Amended Claim 2 is the combination of previous Claims 1, 2 and 5;
- (2) Amended Claim 3 is the combination of previous Claims 1, 3 and 5;
- (3) Amended Claim 4 is the combination of previous Claims 1, 4 and 5;
- (4) Amended Claim 16 is the combination of previous Claims 15, 16 and 19;
- (5) Amended Claim 17 is the combination of previous Claims 15, 17 and 19;
- (6) Amended Claim 18 is the combination of previous Claims 15, 18 and 19;

- (7) Amended Claim 30 is the combination of previous Claims 29, 20 and 33;
- (8) Amended Claim 31 is the combination of previous Claims 29, 31 and 33;
- (9) Amended Claim 32 is the combination of previous Claims 29, 32 and 33.

Further, newly added dependent Claims 43-48 are based upon one of the following original dependent claims --Claims 14, 28 and 42-- with the dependencies changed to refer back to newly formed independent Claims 3, 4, 17, 18, 31 or 32. More specifically:

- (1) New dependent Claim 43 is based on previous Claim 14 but instead refers back to newly formed independent Claim 3;
- (2) New dependent Claim 44 is based on previous Claim 14 but instead refers back to newly formed independent Claim 4;
- (3) New dependent Claim 45 is based on previous Claim 28 but instead refers back to newly formed independent Claim 17;
- (4) New dependent Claim 46 is based on previous Claim 28 but instead refers back to newly formed independent Claim 18;
- (5) New dependent Claim 47 is based on previous Claim 42 but instead refers back to newly formed independent Claim 31; and
- (6) New dependent Claim 48 is based on previous Claim 42 but instead refers back to newly formed independent Claim 32.

As shown above, the present claim amendments merely combine subject matter previously considered and the new dependent claims are based on previously considered dependent claims, but with new dependencies. Therefore, Applicant respectfully submits that such claim amendments do not raise new issues that require further search and/or consideration. Accordingly, entry of this after-final amendment is believed to be proper, and such entry is respectfully requested.

Claims 1-5, 14-19, 28-33 and 42 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 5, 15, 19, 29 and 33 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1-4, 14, 16-18, 28, 30-32 and 42, Applicant respectfully traverses this rejection.

As suggested by the Examiner, Applicant has changed to term “retaining unit” to the term “retaining device” so that this term is used consistently throughout the claims. Applicant appreciated the Examiner’s suggestion, and believes that the claims are now clear for the purposes of 35 U.S.C. § 112. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 15 and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over United States Patent No. 6,078,265 to Bonder et al. in view of United States Patent No. 6,384,711 to Cregger et al. Applicant has cancelled Claims 1, 15 and 29, without prejudice, thereby rendering this rejection moot.

Claims 2, 3, 16, 17, 30 and 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bonder et al. in view of Cregger et al. and further in view of United States Patent No. 6,377,173 to Desai. Applicant respectfully traverses this rejection.

Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the Desai reference with the Bonder et al. and the Cregger et al. references. The Bonder et al. reference and the Cregger et al. reference are both related to improved security for mechanical keys when used in mechanical locks. More specifically, the Bonder et al. reference relates to the inclusion of a fingerprint identification to prevent unwarranted use of a key in a mechanical lock and the Cregger et al. reference relates to including electronic circuitry in a key for a mechanical lock, where such circuitry limits use of the key (such as to certain locks, within a certain time period, etc.) In contrast, the Desai reference relates to the inclusion of a wireless garage door opener into a key fob. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to substitute the wireless unlocking mechanism of Desai for the mechanical/contact unlocking mechanisms of Bonder et al. and Cregger et al. because to do so would go against what appears to be the main purpose of both Bonder et al. and Cregger et al., namely to provide added security and/or functionality to a mechanical key/lock combination.

As correctly acknowledged by the Examiner, the Bonder et al. reference lacks some of the claimed features of the present invention. Accordingly, the Examiner relied upon the Cregger et al. reference and the Desai reference. However, as discussed below,

these references do not disclose or suggest all of the features of the present invention, as now defined in the amended claims.

The Cregger et al. reference discloses a programmer 301a including key management table and lock management table. Cregger et al. also discloses a portable programmer interface unit 401 including a modem which enables the portable programmer interface unit 401 to communicate with the computer 301 through the public switched telephone network (PSTN) via a standard phone jack 402. Further, the reference discloses that an operator in the field needing to update the contents of files in the key housing 104 would dial up the host computer using a standard phone set 403 which is connectable via a jack to the programmer interface 401. The programmer interface unit 401 operates in the same manner as the office programmer interface unit 302 which connect the key body 101 and the programmer with electric contact and cable.

However, the details of the present lock system are not disclosed in Cregger et al. It stands to reason that programmer interface unit 302 connects the key body 101 and the programmer with electric contact because the key body is connected to lock mechanism via line 607 with electric contact. The Cregger et al. reference use the programmer interface unit 302 connecting the key body 101 in order to transfer key data to various shape of key body having various shape key blade.

On the other hand, the present invention has a receiving module receiving wireless signals from the key information device and another interface. More specifically, Claim 2 recites a contact module outputting the key information in contact with said key

information input module (Claims 16 and 30 recite a similar contact feature); Claim 3 recites a recording medium write module writing the information to said recording medium and issues the key information through said recording medium (Claims 17 and 31 recite a similar feature involving a recording medium); and Claim 4 recites a near communication module incapable of performing the communications with said key information retaining device beyond a predetermined distance (Claim 18 and 32 recite a similar near communication module). Thus, the present invention involves utilizing a non-wireless module or a near communication module together with a receiving module receiving wireless signals (a wireless communication module), which are features not disclosed or suggested in Cregger et al. or in the other cited references.

The Desai reference discloses security function signals such as garage door opener signals on a vehicle key/fob combination. The key/fob combination learns its coded signal from a control on the vehicle. The vehicle control preferably communicates to the key/fob combination through the LF receiver/transmitter. However this reference does not disclose anything about an encryption function. It should be understood that the vehicle needs a decryption function if the data is encrypted, and such a brief encryption/decryption function that is realized on a vehicle is not useful in Desai.

Further, in Desai, the key/fob combination 37 would have both an LF transmitter and receiver for operation of an immobilizer system, and an RF transmitter. The signal 36 from the control 22 would typically be an LF signal (wireless signals) which is received on the key/fob combination 37. The signal 36 from the control 22 would typically

be an LF signals which is received on the key/fob combination 37. And there is no other interface between key/fob combination 37 and the vehicle (or immobilizer system).

On the other hand, the present invention utilizes a non-wireless module or a near communication module together with a receiving module receiving wireless signals (a wireless communication module), which are not disclosed or suggested in the cited references.

Claims 4, 5, 14, 18, 19, 28, 32, 33 and 42 stand rejected under 35 U.S.C. §103 as being unpatentable over Bonder et al., Cregger et al., Desai, and United States Patent No. 6,522,240 to Weiss et al. Applicant has cancelled Claims 5, 19 and 33, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 4, 14, 18, 28, and 32, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Weiss et al. reference does not remedy the defects discussed above related to the combination of the other cited references. The Weise et al. reference shows a expression of “cryptographic key code”. It should be a predetermined encryption key which is used in encoder (14) /decoder (12). This reference is completely different from the present invention, which utilizes a non-wireless module or a near communication module together with a receiving module receiving wireless signals (a wireless communication module). Accordingly, Applicant respectfully requests the withdrawal of this rejection also.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
James K. Folker
Registration No. 37,538

June 9, 2005
Suite 2500
300 South Wacker Drive
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978

P:\DOCS\3169\66103\967885.DOC